

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES
(Attorney Docket № 14281US02)**

In the Application of:

Jayhan Karaoguz, et al.

Serial № 10/675,653

Filed: September 30, 2003

For: MEDIA PROCESSING SYSTEM
AUTOMATICALLY OFFERING
ACCESS TO NEWLY AVAILABLE
MEDIA IN A MEDIA EXCHANGE
NETWORK

Examiner: LaJuania N. Mouzon

Group Art Unit: 2153

Confirmation № 5800

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APPEAL BRIEF

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an appeal from an Office Action dated January 23, 2008 ("Final Office Action"), in which claims 1-30 were finally rejected. The Applicant respectfully requests that the Board of Patent Appeals and Interferences ("Board") reverses the final rejection of claims 1-30 of the present application. **The Applicant notes that this Appeal Brief is timely filed within the period for reply that ends on July 14, 2008.**

REAL PARTY IN INTEREST
(37 C.F.R. § 41.37(c)(1)(i))

Broadcom Corporation, a corporation organized under the laws of the state of California, and having a place of business at 5300 California Avenue, Irvine, California 92617, has acquired the entire right, title and interest in and to the invention, the application, and any and all patents to be obtained therefor, as set forth in the Assignment recorded at Reel 014244, Frame 0495 in the PTO Assignment Search room.

RELATED APPEALS AND INTERFERENCES
(37 C.F.R. § 41.37(c)(1)(ii))

The Appellant is unaware of any related appeals or interferences.

STATUS OF THE CLAIMS
(37 C.F.R. § 41.37(c)(1)(iii))

Claims 1-30 were finally rejected. Pending claims 1-30 are the subject of this appeal.

The present application includes claims 1-30, which are pending in the present application. Claims 1-7, 9, 11-17, 19, 21-27, and 29 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,644,714, issued to Kikinis (hereinafter, Kikinis). See the Final Office Action at page 3. Claims 8, 10, 18, 20, 28, and 30 stand

rejected under 35 U.S.C. § 103(a) as being unpatentable over Kikinis in view of U.S. Patent No. 5,913,032, issued to Schwartz, et al. (hereinafter, Schwartz) *See id.* at page 6.

STATUS OF AMENDMENTS
(37 C.F.R. § 41.37(c)(1)(iv))

The Applicant has not amended any claims subsequent to the final rejection of claims 1-30 mailed on January 23, 2008.

SUMMARY OF CLAIMED SUBJECT MATTER
(37 C.F.R. § 41.37(c)(1)(v))

The invention of claim 1 is illustratively described in the Specification of the present application in, for example, "Brief Summary of the Invention" section in pages 4-7, and in Figures 1-2B. A method for communication of information in a distributed media network may include detecting availability by at least one media processing system (e.g., MPS 101 in FIG. 1) in the distributed media network (100 in FIG. 1), of one or more of newly available media, data and service within the distributed media network. *See* the present specification at p. 4, ll. 2-8; p. 13, ll. 9-18; p. 14, l. 19 – p. 15, l. 4; FIGS. 1-2B. The method may further include comparing by the at least one media processing system, the one or more of the newly available media, data and service with data in a media profile associated with the at least one media processing system (e.g.,

MPS 101 in FIG. 1). *See id.* at p. 4, ll. 8-11; p. 13, ll. 14-15; p. 14, ll. 24-26 and FIGS. 1-2B. The method may further include requesting at least a portion of the one or more of the newly available media, data and service from the distributed media network based on the comparison by the at least one media processing system. *See id.* at p. 14, l. 27 – p. 15, l. 4 and FIGS. 1-2B.

Claims 2-10 are dependent upon claim 1.

The invention of claim 11 is illustratively described in the Specification of the present application in, for example, “Brief Summary of the Invention” section in pages 4-7, and in Figures 1-2B. Another embodiment of the invention may provide a machine-readable storage, having stored thereon, a computer program having at least one code section for providing communication of information in a distributed media network. *See id.* at p. 5, ll. 1-3. The at least one code section may be executable by a machine, thereby causing the machine to perform the step of detecting the availability of new media, data and/or service within the distributed network. *See id.* at p. 5, ll. 3-6; p. 4, ll. 2-8; p. 13, ll. 9-18; p. 14, l. 19 – p. 15, l. 4; FIGS. 1-2B. At least one code section may identify a media processing system (e.g., MPS 101 in FIG. 1) having an interest in monitoring the newly available media, data and service. *See id.* at p. 5, ll. 6-7. At least one code section may notify the media processing system (e.g., MPS 101 in FIG. 1) of the newly available media, data and/or service. *See id.* at p. 5, ll. 7-9. A comparing code section may compare the newly available media, data and/or service with data in a media profile associated with the media processing system (e.g., MPS 101 in FIG. 1) to

determine whether there is a match. *See id.* at p. 5, ll. 9-11; p. 4, ll. 8-11; p. 13, ll. 14-15; p. 14, ll. 24-26 and FIGS. 1-2B. At least a portion of the one or more of the newly available media, data and service may be requested from the distributed media network based on the comparison by the at least one media processing system. *See id.* at p. 14, l. 27 – p. 15, l. 4 and FIGS. 1-2B.

Claims 12-20 are dependent upon claim 11.

The invention of claim 21 is illustratively described in the Specification of the present application in, for example, “Brief Summary of the Invention” section in pages 4-7, and in Figures 1-2B. A system for communication of information in a distributed media network may include at least one processor within at least one media processing system (e.g., MPS 101 in FIG. 1), where the at least one processor detects availability in the distributed media network, of one or more of newly available media, data and service within the distributed media network. *See id.* at p. 6, ll. 3-9; p. 13, ll. 9-18; p. 14, l. 19 – p. 15, l. 4; FIGS. 1-2B. The at least one processor may compare the one or more of the newly available media, data and service with data in a media profile associated with the at least one media processing system (e.g., MPS 101 in FIG. 1). *See id.* at p. 6, ll. 9-11; p. 13, ll. 14-15; p. 14, ll. 24-26 and FIGS. 1-2B. The at least one processor may request at least a portion of the one or more of the newly available media, data and service from the distributed media network based on the comparison by the at least one media processing system (e.g., MPS 101 in FIG. 1). *See id.* at p. 14, l. 27 – p. 15, l. 4 and FIGS. 1-2B.

Claims 22-30 are dependent upon claim 21.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL
(37 C.F.R. § 41.37(c)(1)(vi))

Claims 1-7, 9, 11-17, 19, 21-27, and 29 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,644,714, issued to Kikinis (hereinafter, Kikinis). See the Final Office Action at page 3. Claims 8, 10, 18, 20, 28, and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kikinis in view of U.S. Patent No. 5,913,032, issued to Schwartz, et al. (hereinafter, Schwartz) See *id.* at page 6.

ARGUMENT
(37 C.F.R. § 41.37(c)(1)(vii))

I. Claim Objections

The Final Office Action states the following:

Claim 2 is objected to because of the following informalities: Line(s) 2, should read, "... comprising receiving said requested **of** at least a portion of said one or more of said newly available media, data and service by..." Appropriate correction is required.

See the Final Office Action at page 2. The Applicant respectfully disagrees and points out that claim 1 recites "requesting at least a portion of said one or more of said newly available media..." Therefore, when this claim limitation appears in Applicant's claim 2, the correct format is "said requested at least a portion of said one or more of said newly available media..." In other words, there is no need for "of" to be placed after "requested." The Applicant submits that no correction to claim 2 is necessary.

REJECTIONS UNDER 35 U.S.C. § 102

II. Kikinis Does Not Anticipate Claims 1-7, 9, 11-17, 19, 21-27, and 29

The Applicant first turns to the rejection of claims 1-7, 9, 11-17, 19, 21-27, and 29 under 35 U.S.C. 102(b) as being anticipated by Kikinis. With regard to the anticipation rejections under 102, MPEP 2131 states that "[a] claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently

described, in a single prior art reference.” See Manual of Patent Examining Procedure (MPEP) at 2131 (internal citation omitted). Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” See *id.* (internal citation omitted).

A. Rejection of Independent Claims 1, 11, and 21

With regard to the rejection of independent claim 1 under 102(b), the Applicant submits that Kikinis does not disclose or suggest at least the limitation of “comparing by said at least one media processing system, said one or more of said newly available media, data and service with data in **a media profile associated with said at least one media processing system,**” as recited by the Applicant in independent claim 1 (emphasis added).

The Final Office Action states the following:

In regards to claims 1, 11, and 21 Kinkinis discloses, a method, a machine readable storage having stored thereon, a computer program having at least one code section for communicating information in a distributed media network, the at least one code section being executable by a machine for communication of information in a distributed media network, a system for communication of information in a distributed media network, and a method comprising:

a. detecting availability by at least one media processing system (Fig. 1A. #1) in the distributed media network (Fig. 1A), of one or more of newly available media, data and service within the distributed media network (Col. 5 line(s) 16-20, teach **the file server's (media processing system) control routine recognizing (detecting) that a new clipping has been loaded**);

b. comparing by said at least one media processing system, said one or more of said newly available media, data and service with data in a media profile associated with said at least one media processing system (Fig. 2 #42 and Col. 5 line(s) 34-38, teach the file server comparing subscribers profiles to the newly loaded clippings, for identifying which subscriber has interest.); and

c. requesting at least a portion of said one or more of said newly available media, data and service from the distributed media network based on said comparison by said at least one media processing system (Fig. 2 #52 and Col. 5 line(s) 55-57, teach the subscriber requesting a download of the new clipping, after receiving a notification based on their profile that it is available.).

See the Final Office Action at pages 3-4. The Examiner relies on Figures 1A and 2 of Kikinis, which illustrate a Video Jukebox world-wide architecture. Referring to Figure 1A, **Kikinis discloses that the individual clients 17-39 specify the topics of their particular interests. More specifically, paying clients of the video service, at the time of subscription, specify the topics of their particular interests. See Kikinis, col. 4, lines 10-13. The Applicant points out that this is the only relevant disclosure by Kikinis of a “profile”. Obviously, this “profile” relates to each of the subscribing clients 17-39.** In addition, since the file servers send a message to the clients appropriate to their subscription and the interests they have indicated at the time of subscription to the service, the “profile” of each of the clients 17-39 is maintained and stored by the file server corresponding to the particular client.

As clearly seen from the above Final Office Action citation, **the Examiner has equated Kikinis’ file servers 1-7 to Applicant’s “media processing system.”**

However, as clarified above, Kikinis' "profile" relates to the subscribing clients 17-39, and the "profile" does not relate to, and it is not associated with, the file servers 1-7 (equated to "media processing systems"). Therefore, Kikinis does not disclose "comparing by said at least one media processing system, said one or more of said newly available media, data and service with data in a media profile associated with said at least one media processing system," as recited by the Applicant in independent claim 1.

The Applicant points out that in the previous non-final Office Action (dated August 27, 2007), the Examiner equated Applicant's "media processing system" to the clients 17-39. The Applicant overcame this argument in the November 5, 2007 response, and illustrated why Applicant's claims are not anticipated by Kikinis. The Examiner changed her mind and has now equated Applicant's "media processing system" to the file servers 1-7. The Applicant points out that this argument has also been overcome at least for the above reasons.

Accordingly, independent claim 1 is not anticipated by Kikinis and is allowable. Independent claims 11 and 21 are similar in many respects to the method disclosed in independent claim 1. Therefore, the Applicant submits that independent claims 11 and 21 are also allowable over the references cited in the Office Action at least for the reasons stated above with regard to claim 1.

B. Rejection of Dependent Claims 2, 12, and 22

Claims 2, 12, and 22 depend on independent claims 1, 11, and 21, respectively. Therefore, the Applicant submits that claims 2, 12, and 22 are allowable over the references cited in the Final Office Action at least for the reasons stated above with regard to claims 1, 11, and 21. The Applicant also submits that Kikinis does not disclose or suggest at least the limitation of "receiving said requested at least a portion of said one or more of said newly available media, data and service by said at least one media processing system, if said one or more of said newly available media, data and service matches said data in said media profile associated with said at least one media processing system," as recited by the Applicant in claim 2.

With regard to claims 2, 12, and 22 the Final Office Action states the following at page 4:

In regards to claims 2, 12, and 22 Kikinis discloses, comprising receiving said requested at least a portion of said one or more of said newly available media, data and service by said at least one media processing system, if said one or more of said newly available media, data and service matches said data in said media profile associated with said at least one media processing system (Fig. 2 #42 and Col. 5 line(s) 34-38, teach the file server comparing subscribers profiles to the newly loaded clippings, for identifying which subscriber has interest. Then sending to the subscribers identified a notification. From the notification the subscriber is selecting to download. Therefore they are only receiving the new clipping if it matched their profile.).

As already explained above, Kikinis' "profile" relates to the subscribing clients 17-39, and the profile does not relate to the file servers 1-7 (equated in the Final Office Action to "media processing systems"). Therefore, Kikinis does not disclose any

matching of newly available media, data and service with data in a media profile associated with at least one media processing system, as recited in claims 2, 12, and 22. Accordingly, the Applicant submits that claims 2, 12, and 22 are allowable over the references cited in the Final Office Action at least for the above reasons.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 2, 12, and 22.

C. Rejection of Dependent Claims 3, 13, and 23

Claims 3, 13, and 23 depend on independent claims 1, 11, and 21, respectively. Therefore, the Applicant submits that claims 3, 13, and 23 are allowable over the references cited in the Final Office Action at least for the reasons stated above with regard to claims 1, 11, and 21. The Applicant also submits that Kikinis does not disclose or suggest at least the limitation of "said data in said media profile associated with said at least one media processing system is predefined," as recited by the Applicant in claim 3.

With regard to claims 3, 13, and 23 the Final Office Action states the following at page 4:

In regards to claims 3, 13, and 23 Kikinis discloses, wherein said data in said media profile associated with said at least one media processing system is predefined (Col. 4line(s) 17-20 and 57 -60, teach that the data from the profile is associated with at least one predefined file server (one media processing system)).

The Final Office Action relies for support on col. 4, lines 17-20 and 57-60 of Kikinis, which disclose that clients can monitor their service for newly available video in the areas of interest they have indicated. Referring to Figure 1A, Kikinis discloses that the individual clients 17-39 specify the topics of their particular interests. More specifically, paying clients of the video service, at the time of subscription, specify the topics of their particular interests. See Kikinis, col. 4, lines 10-13. The Applicant points out that this is the only relevant disclosure by Kikinis of a "profile". Obviously, this "profile" relates to each of the subscribing clients 17-39, and the "profile" does not relate to, and **it is not associated with, the file servers 1-7 (equated to "media processing systems")**. Accordingly, the Applicant submits that claims 3, 13, and 23 are allowable over the references cited in the Final Office Action at least for the above reasons.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 3, 13, and 23.

D. Rejection of Dependent Claims 4, 14, and 24

Claims 4, 14, and 24 depend on independent claims 1, 11, and 21, respectively. Therefore, the Applicant submits that claims 4, 14, and 24 are allowable over the references cited in the Final Office Action at least for the reasons stated above with regard to claims 1, 11, and 21. The Applicant also submits that Kikinis does not disclose or suggest at least the limitation of "dynamically updating data in said media

profile associated with said at least one media processing system,” as recited by the Applicant in claim 4.

With regard to claims 4, 14, and 24 the Final Office Action states the following at page 4:

In regards to claims 4, 14, and 24 Kinkinis discloses, dynamically updating data in said media profile associated with said at least one media processing system (Col. 4 line(s) 10-13, teaches the user (media) profile being dynamically updated that is associated with at least one media processing system.).

The Final Office Action relies for support on col. 4, lines 10-13 of Kikinis, which disclose that clients may specify the topics of their particular interests **at the time of subscription**. Even if we assume for the sake of argument that Kikinis discloses a media profile associated with at least one media processing system, which it does not based on the above section II-A, the Examiner's argument is still deficient. Namely, **Kikinis only discloses that the profile is only set up at the time of subscription and Kikinis does not disclose any dynamic updating of the profiles**, as recited in Appellant's claims 4, 14, and 24. Accordingly, the Applicant submits that claims 4, 14, and 24 are allowable over the references cited in the Final Office Action at least for the above reasons.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 4, 14, and 24.

E. Rejection of Dependent Claims 5, 15, and 25

Claims 5, 15, and 25 depend on independent claims 1, 11, and 21, respectively. Therefore, the Applicant submits that claims 5, 15, and 25 are allowable over the references cited in the Final Office Action at least for the reasons stated above with regard to claims 1, 11, and 21. The Applicant also submits that Kikinis does not disclose or suggest at least the limitation of “polling at least one of a plurality of network components in the distributed media network for said one or more of said newly available media, data and service,” as recited by the Applicant in claim 5.

With regard to claims 5, 15, and 25 the Final Office Action states the following at page 5:

In regards to claims 5, 15, and 25 Kinkinis discloses, polling at least one of a plurality of network components in the distributed media network for said one or more of said newly available media, data and service (Col. 4line(s) 17-20, teaches the client can poll at least one of a plurality of network components for the new media from the distributed media network.).

The Final Office Action relies for support on col. 4, lines 17-20 of Kikinis, which disclose that clients can **monitor** their service for newly available video in the areas of interest they have indicated. Referring to Figure 1A, Kikinis discloses that the individual clients 17-39 specify the topics of their particular interests. More specifically, paying clients of the video service, at the time of subscription, specify the topics of their particular interests. See Kikinis, col. 4, lines 10-13. However, Kikinis, including col. 4, lines 17-20, does not disclose any polling for newly available media, data and/or service, as recited by the Applicant in claims 5, 15, and 25. Accordingly, the Applicant

submits that claims 5, 15, and 25 are allowable over the references cited in the Final Office Action at least for the above reasons.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 5, 15, and 25.

F. Rejection of Dependent Claims 6, 16, and 26

Claims 6, 16, and 26 depend on independent claims 1, 11, and 21, respectively. Therefore, the Applicant submits that claims 6, 16, and 26 are allowable over the references cited in the Final Office Action at least for the reasons stated above with regard to claims 1, 11, and 21.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 6, 16, and 26.

G. Rejection of Dependent Claims 7, 17, and 27

Claims 7, 17, and 27 depend on independent claims 1, 11, and 21, respectively. Therefore, the Applicant submits that claims 7, 17, and 27 are allowable over the references cited in the Final Office Action at least for the reasons stated above with regard to claims 1, 11, and 21.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 7, 17, and 27.

H. Rejection of Dependent Claims 9, 19, and 29

Claims 9, 19, and 29 depend on independent claims 1, 11, and 21, respectively. Therefore, the Applicant submits that claims 9, 19, and 29 are allowable over the references cited in the Final Office Action at least for the reasons stated above with regard to claims 1, 11, and 21.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 9, 19, and 29.

III. The Proposed Combination of Kikinis and Schwartz Does Not Render Claims 8, 18, and 28 Unpatentable

Claims 8, 18, and 28 depend on independent claims 1, 11, and 21, respectively. Therefore, the Applicant submits that claims 8, 18, and 28 are allowable over the references cited in the Final Office Action at least for the reasons stated above with regard to claims 1, 11, and 21. The Applicant also submits that the Kikinis-Schwartz combination also does not disclose or suggest at least the limitation of “searching by said at least one media processing system of at least another media processing system in the distributed media network for said one or more of said newly available media, data and service,” as recited by the Applicant in claim 8.

With regard to claims 8, 18, and 28, the Final Office Action states the following at pages 6-7:

In regards to claims 8, 18, and 28 Kinkinis do not teach, wherein said detecting comprises searching by said at least one media processing system of at least another media processing system in the distributed media network for said one or more of said newly available media, data and service.

In the same field of endeavor Schwartz et al. teach a publisher and subscriber system that allows users to share data objects among application processes. This is done by allowing the Object Exchange module to poll (search) for data, including new data that has been posted, at other systems (Col. 6line(s) 36-40, Col. 11 line(s) 21-26).

Schwartz discloses the following with regard to the Object Exchange:

When a user publishes, issues versions or mails data objects, the system submits the published or mailed objects to the Object Exchange for holding them in its outgoing queues. When the Object Exchange polls an account, it transmits all the objects-notebooks, sets of pages, or individual pages-that the user has sent to that account, and picks up all the objects that the user has received to that account since the Object Exchange last polled it. The Object Exchange holds incoming objects in the user's Object Store, ready for use. Thus the Object Store holds copies of shared data objects and, thus, behaves like a database of the shared objects sent to the user. The Object Store makes all of the user's shared objects continuously available for use in any notebook, whether or not the user is currently connected to messaging services. In a preferred embodiment, shared objects remain in the Object Exchange until deleted.

The Object Exchange is preferably implemented not as an application in itself, but as a middle link between applications and the outside world. In other words, it interacts with the operating system and messaging services to provide workgroup and communication services to applications.

See Schwartz at col. 3, lines 14-34. Schwartz discloses the use of the Object Exchange, which is implemented as middle link between applications and the outside users. While Schwartz discloses that the Object Exchange facilitates exchange of shared data, Schwartz, including col. 6, lines 36-40 and col. 11, lines 21-26, does not disclose that a media processing system (or a user) can search another media processing system (or

another user) for newly available media, data and/or service, as recited by the Applicant in claims 8, 18, and 28.

Accordingly, the Applicant submits that claims 8, 18, and 28 are allowable over the references cited in the Final Office Action at least for the above reasons. The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 8, 18, and 28.

IV. The Proposed Combination of Kikinis and Schwartz Does Not Render Claims 10, 20, and 30 Unpatentable

Claims 10, 20, and 30 depend on independent claims 1, 11, and 21, respectively. Therefore, the Applicant submits that claims 10, 20, and 30 are allowable over the references cited in the Final Office Action at least for the reasons stated above with regard to claims 1, 11, and 21. The Applicant also submits that the Kikinis-Schwartz combination also does not disclose or suggest at least the limitation of "wherein said detecting comprises polling at least another media processing system for said one or more of said newly available media, data and service within the distributed media network, and wherein said at least another media processing system is authorized for said polling by said at least one media processing system," as recited by the Applicant in claim 10.

With regard to claims 10, 20, and 30, the Final Office Action states the following at pages 7-8:

In regards to claims 10, 20, and 30 Kinkinis do not teach, wherein said detecting comprises polling at least another media processing system for said one or more of said newly available media, data and service within the distributed media network, and wherein said at least another media processing system is authorized for said polling by said at least one media processing system

In the same field of endeavor Schwartz et al. teach a publisher and subscriber system that allows users to share data objects among application processes. This is done by allowing the Object Exchange module to poll (search) for data, including new data that has been posted, at other systems (Col. 13 line(s) 18-24).

Schwartz discloses the following with regard to the Object Exchange:

When a user publishes, issues versions or mails data objects, the system submits the published or mailed objects to the Object Exchange for holding them in its outgoing queues. When the Object Exchange polls an account, it transmits all the objects-notebooks, sets of pages, or individual pages-that the user has sent to that account, and picks up all the objects that the user has received to that account since the Object Exchange last polled it. The Object Exchange holds incoming objects in the user's Object Store, ready for use. Thus the Object Store holds copies of shared data objects and, thus, behaves like a database of the shared objects sent to the user. The Object Store makes all of the user's shared objects continuously available for use in any notebook, whether or not the user is currently connected to messaging services. In a preferred embodiment, shared objects remain in the Object Exchange until deleted.

The Object Exchange is preferably implemented not as an application in itself, but as a middle link between applications and the outside world. In other words, it interacts with the operating system and messaging services to provide workgroup and communication services to applications.

See Schwartz at col. 3, lines 14-34. Schwartz discloses the use of the Object Exchange, which is implemented as middle link between applications and the outside users. While Schwartz discloses that the Object Exchange facilitates exchange of shared data, Schwartz, including col. 13, lines 18-24, does not disclose that a media processing

system (or a user) can poll another media processing system (or another user) for newly available media, data and/or service, as recited by the Applicant in claims 10, 20, and 30. Furthermore, Schwartz, including col. 13, lines 18-24, does not disclose that the polling by the media processing system (or the user) is authorized by the other media processing system (or user), as recited by the Applicant in claims 10, 20, and 30.

Accordingly, the Applicant submits that claims 10, 20, and 30 are allowable over the references cited in the Final Office Action at least for the above reasons. The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 10, 20, and 30.

CONCLUSION

For at least the foregoing reasons, the Applicant submits that claims 1-30 are in condition for allowance. Reversal of the Examiner's rejection and issuance of a patent on the application are therefore requested.

The Commissioner is hereby authorized to charge \$510 (to cover the Brief on Appeal Fee) and any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Respectfully submitted,

Date: 14-JUL-2008

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(OIB)

CLAIMS APPENDIX
(37 C.F.R. § 41.37(c)(1)(viii))

1. A method for communication of information in a distributed media network, the method comprising:

detecting availability by at least one media processing system in the distributed media network, of one or more of newly available media, data and service within the distributed media network;

comparing by said at least one media processing system, said one or more of said newly available media, data and service with data in a media profile associated with said at least one media processing system; and

requesting at least a portion of said one or more of said newly available media, data and service from the distributed media network based on said comparison by said at least one media processing system.

2. The method according to claim 1, comprising receiving said requested at least a portion of said one or more of said newly available media, data and service by said at least one media processing system, if said one or more of said newly available media, data and service matches said data in said media profile associated with said at least one media processing system.

3. The method according to claim 1, wherein said data in said media profile associated with said at least one media processing system is predefined.

4. The method according to claim 1, comprising dynamically updating data in said media profile associated with said at least one media processing system.

5. The method according to claim 1, comprising polling at least one of a plurality of network components in the distributed media network for said one or more of said newly available media, data and service.

6. The method according to claim 5, wherein said at least one of said plurality of network components comprises one or more of a personal computer, a server, a content provider and a media processing server.

7. The method according to claim 1, comprising receiving an indication by said at least one media processing system of said availability of said one or more of said newly available media, data and service within the distributed media network.

8. The method according to claim 1, wherein said detecting comprises searching by said at least one media processing system of at least another media processing system in the distributed media network for said one or more of said newly available media, data and service.

9. The method according to claim 7, comprising initiating receiving of said one or more of said newly available media, data and service based on a user selection after said receiving of said indication.

10. The method according to claim 1, wherein said detecting comprises polling at least another media processing system for said one or more of said newly available media, data and service within the distributed media network, and wherein said at least another media processing system is authorized for said polling by said at least one media processing system.

11. A machine-readable storage having stored thereon, a computer program having at least one code section for communicating information in a distributed media

network, the at least one code section being executable by a machine for causing the machine to perform steps comprising:

detecting availability by at least one media processing system in the distributed media network, of one or more of newly available media, data and service within the distributed media network;

comparing by said at least one media processing system, said one or more of said newly available media, data and service with data in a media profile associated with said at least one media processing system; and

requesting at least a portion of said one or more of said newly available media, data and service from the distributed media network based on said comparison by said at least one media processing system.

12. The machine-readable storage according to claim 11, comprising code for receiving said requested at least a portion of said one or more of said newly available media, data and service by said at least one media processing system, if said one or more of said newly available media, data and service matches said data in said media profile associated with said at least one media processing system.

13. The machine-readable storage according to claim 11, wherein said data in said media profile associated with said at least one media processing system is predefined.

14. The machine-readable storage according to claim 11, comprising code for dynamically updating data in said media profile associated with said at least one media processing system.

15. The machine-readable storage according to claim 11, comprising code for polling at least one of a plurality of network components in the distributed media network for said one or more of said newly available media, data and service.

16. The machine-readable storage according to claim 15, wherein said at least one of said plurality of network components comprises one or more of a personal computer, a server, a content provider and a media processing server.

17. The machine-readable storage according to claim 11, comprising code for receiving an indication by said at least one media processing system of said availability of said one or more of said newly available media, data and service within the distributed media network.

18. The machine-readable storage according to claim 11, wherein said detecting comprises code for searching by said at least one media processing system of at least another media processing system in the distributed media network for said one or more of said newly available media, data and service.

19. The machine-readable storage according to claim 17, comprising code for initiating receiving of said one or more of said newly available media, data and service based on a user selection after said receiving of said indication.

20. The machine-readable storage according to claim 11, wherein said detecting comprises code for polling at least another media processing system for said one or more of said newly available media, data and service within the distributed media network, and wherein said at least another media processing system is authorized for said polling by said at least one media processing system.

21. A system for communication of information in a distributed media network, the system comprising:

at least one processor within at least one media processing system, said at least one processor detects availability in the distributed media network, of one or more of newly available media, data and service within the distributed media network;

said at least one processor compares said one or more of said newly available media, data and service with data in a media profile associated with said at least one media processing system; and

said at least one processor requests at least a portion of said one or more of said newly available media, data and service from the distributed media network based on said comparison by said at least one media processing system.

22. The system according to claim 21, wherein said at least one processor receives said requested at least a portion of said one or more of said newly available media, data and service, if said one or more of said newly available media, data and service matches said data in said media profile associated with said at least one media processing system.

23. The system according to claim 21, wherein said data in said media profile associated with said at least one media processing system is predefined.

24. The system according to claim 21, wherein said at least one processor dynamically updates data in said media profile associated with said at least one media processing system.

25. The system according to claim 21, wherein said at least one processor polls at least one of a plurality of network components in the distributed media network for said one or more of said newly available media, data and service.

26. The system according to claim 25, wherein said at least one of said plurality of network components comprises one or more of a personal computer, a server, a content provider and a media processing server.

27. The system according to claim 21, wherein said at least one processor within said at least one media processing system receives an indication of said availability of said one or more of said newly available media, data and service within the distributed media network.

28. The system according to claim 21, wherein said at least one processor searches at least another media processing system in the distributed media network for said one or more of said newly available media, data and service.

29. The system according to claim 27, wherein said at least one processor initiates receiving of said one or more of said newly available media, data and service based on a user selection after said receiving of said indication.

30. The system according to claim 21, wherein said at least one processor polls at least another media processing system for said one or more of said newly available media, data and service within the distributed media network, and wherein said at least another media processing system is authorized for said polling by said at least one processor.

EVIDENCE APPENDIX
(37 C.F.R. § 41.37(c)(1)(ix))

- (1) United States Patent No. 5,644,714 ("Kikinis"), entered into record by the Examiner in the August 27, 2007 Office Action.
- (2) United States Patent No. 5,913,032 (hereinafter, ("Schwartz")), entered into record by the Examiner in the January 23, 2008 Office Action.

RELATED PROCEEDINGS APPENDIX
(37 C.F.R. § 41.37(c)(1)(x))

The Appellant is unaware of any related appeals or interferences.